



Notice of Intent to Drill, Deepen, Replace or Modify a Well (except a Non-exempt Well in an Active Management Area)

Introduction

These instructions are a guide to filling out Form DWR 55-40 (Rev. 07/07/04), entitled “Notice of Intent to Drill, Deepen, Replace or Modify a Well (except a Non-exempt Well in an Active Management Area).” Please review the instructions prior to completing the form in black or blue ink. Forms may be obtained at any Arizona Department of Water Resources (ADWR) office and at ADWR’s Web site, <http://www.water.az.gov>. For information about the form or these instructions, contact the Supervisor of the Notice of Intent Program at (602) 417-2470. **You are advised to fill out this form with the assistance of the licensed well driller that will perform the work.**

When Form DWR 55-40 Must be Filed

Form DWR 55-40 must be filed prior to drilling, deepening, replacing or modifying any well located outside of an Active Management Area (AMA) that will pump water, and prior to drilling, deepening, replacing or modifying an exempt well inside of an AMA. In an AMA, an exempt well is a well equipped with a pump with a maximum capacity of 35 gallons per minute (gpm) or less and from which water is withdrawn for a use other than irrigation of two or more acres. Domestic and stockwater uses are among the more common uses associated with exempt wells. After the form is filed, the proposed action may not begin until ADWR issues a drilling card to the well driller.

Note that a different form must be filed before drilling, deepening, replacing or modifying a non-exempt well (one equipped with a pump with a maximum capacity greater than 35 gpm) inside of an AMA. Also note that Form DWR 55-40 is for wells that pump water. Different forms are required for wells that are not intended to pump water as their primary purpose (e.g., monitor, mineral exploration, geotechnical and cathodic protection wells). Most of the non-pumping wells are for sampling water quality or studying geologic and hydrologic conditions.

Ideally, the Notice of Intent (NOI) process should be started at least six weeks in advance. The licensed drilling contractor must have a drill card in his or her possession before drilling begins. The county environmental health department or local health authority must review the NOI, if it is to drill a well for

domestic use on a parcel of land 5 acres or less in size. Normally, ADWR will process the NOI within two weeks after its receipt from the county or the applicant.

Filing Fee

Each NOI form must be accompanied by a filing fee as required by Arizona Revised Statutes (A.R.S.) § 45-596. If the well is located within an AMA or an Irrigation Non-Expansion Area (INA), the amount of the fee is one hundred fifty dollars (\$150.00). If the well is not located within an AMA or an INA, the amount of the fee is seventy-five dollars (\$75.00) if the well will be used solely for domestic purposes (see definition below) and will have a pump with a maximum capacity of not more than 35 gallons per minute. Otherwise, the fee is one hundred fifty dollars (\$150.00). Checks must be made payable to “Arizona Department of Water Resources” or “ADWR,” and should be attached to the top of the NOI form.

For the purpose of determining the appropriate fee outside of AMAs and INAs, “domestic purposes” is defined as “uses related to the supply, service and activities of households and private residences and includes the application of water to less than two acres of land to produce plants or parts of plants for sale or human consumption, or for use as feed for livestock, range livestock or poultry, as such terms are defined in A.R.S. § 3-1201.”

Instructions for Filling out the Form

Section 1 – County or Local Health Authority Approval

Section 1 applies only if the well is located on a parcel of land 5 acres or less in size and if any of the water from the well will be used for domestic use (a use related to the supply, service, and activities of households and private residences). Section 1 is to be filled in by the county environmental health authority that controls the installation of septic tanks or sewer systems, or by the local health authority in areas where the county health authority has delegated authority to approve septic tanks and sewer systems to a local authority.

If Section 1 applies, complete Sections 2 through 7 of the NOI form, fill in the well site plan on page 3 of the

form, sign the form and submit the form, including the well site plan, to the appropriate health authority for their review prior to filing the NOI with ADWR. The well site plan must illustrate, to scale, the proposed well location, the locations of all septic tank and sewer systems on the property or within 100 feet of the well location, the property boundary lines, and the locations of all structures. Unless a variance is requested, the site plan must demonstrate that the well will not be drilled within 100 feet of any septic tank or sewer system. If the parcel is vacant land, or if there is no septic tank or sewer system on the property, indicate this on the site plan. Fill in the name of the well owner and the county tax assessor's parcel identification number for the parcel in the appropriate spaces at the top of the well site plan. Indicate if the NOI will be filed manually or electronically (via the ADWR website) by checking the appropriate box. If the NOI is being filed electronically on the website, please include the well driller's e-mail address in the designated space on page 3 of the NOI.

The health authority will review the site plan, and may perform a field inspection of the proposed well location, which should be staked and flagged by the applicant prior to the arrival of the county inspector. The health authority will evaluate the proposed location of the well to ascertain if it is 100 feet or more away from any septic tank or sewer system. Other state, county or local requirements may also apply. If the health authority finds that the proposed well location complies with state, county, and local requirements, it must check the box in Section 1 indicating that it approves the location of the well pursuant to A.R.S. § 45-596(G). If the health authority is unable to make this determination, it must check the box indicating that there is insufficient information to make the determination. If the NOI is being filed electronically on the website, the health authority will issue a County Approval Code and indicate this code in the designated box on page 3 of the NOI.

The health authority must sign Section 1 and the well site plan. In areas where there is no local or county authority that controls installation of septic tanks or sewer systems, or if the health authority is unable to determine whether the proposed well location complies with state, county, and local requirements, the applicant must apply for approval directly to ADWR.

Section 2 – Registry Information

Well Type

Check the box indicating whether the well is an exempt or non-exempt well and fill in the design pump capacity in gallons per minute of the pump to be installed. Note that this is the wrong form to use if the well is a non-

exempt well inside of an AMA (Form DWR 55-41 is required for non-exempt wells inside of AMAs).

Proposed Action

Check the appropriate box indicating whether the applicant intends to drill a new well, or deepen, replace or modify an existing well. Modifying a well means changing some part of the well, such as the casing or the screened or perforated interval. If an existing well will be deepened, replaced or modified, the original well registration number of the well must be filled in.

If the proposed well will replace an existing well, fill in the maximum pumping capacity of the original well, and indicate how far and in what direction the proposed well is from the original well. ADWR strongly recommends that the original well be abandoned at the same time the replacement well is drilled. A Notice of Intent to Abandon a Well (Form DWR 55-38) must be filed with ADWR and an abandonment authority must be obtained before the original well may be abandoned.

Location of Well

Fill in all of the following information relating to the location of the well:

- The street address of the property where the well will be drilled, if the property has a street address.
- The legal description for the proposed well location. The legal description is the township, range, section, and in decreasing order, the quarters of that section so that the well location falls in a 10-acre block within that section. This is not the same as the parcel identification number used by the county (to be filled in below). The county tax assessor's office or the well driller can help identify the specific section where the well will be located.
- The county tax assessor's parcel identification number and the acreage of the parcel. The parcel identification number ordinarily has at least eight digits, arranged in a book-map-parcel sequence (XXX-XX-XXX). This number and the acreage of the parcel can be obtained from the county tax assessor's office. Federal or State land will not have a parcel identification number.
- The legal description of the place where the water will be used. For most domestic wells, this will be the same as the legal description of the well location, and ADWR will assume that it is the same if the item is left blank. But if water will be used at another location, provide the legal description of the

place of use for the water, again in township-range-section terms.

- The name of the county where the well is located.

Section 3 – Owner Information

Well Owner

Fill in the well owner's name, mailing address and telephone and fax numbers. If the well owner is a corporation, governmental unit or other entity, provide the name of a contact person.

Landowner

If the land is not owned by the well owner, fill in the landowner's name, mailing address, telephone and fax numbers and, if the landowner is a company or organization, the name of a contact person. If the landowner does not sign the signature block of the NOI form, then attach a copy of an access agreement or permission letter from the landowner indicating the landowner's approval of the proposed action.

Section 4 – Questions

Check the appropriate boxes and fill in information indicating the following:

1. Whether the well site is within 100 feet of a septic tank system, sewer disposal area, landfill or hazardous materials or petroleum storage area or tank. If yes, the applicant must request and obtain a variance from ADWR's well construction standards.
2. Whether there is any other well name or identification number for the well. Ranches often name wells and mining or other commercial operations often have their own numbers. There may be a Public Water Supply (PWS) number or a number provided by the Arizona Department of Environmental Quality.
3. If the proposed action is to drill a new exempt well in an AMA, whether this will be the second exempt well on the parcel for the same use. Only one exempt well is allowed per parcel per use within an AMA, except where the first well produces very small amounts of water and other statutory requirements are met. If a second exempt well for the same purpose is requested, fill out and submit supplemental form DWR 55-40A.

Section 5 – Drilling Authorization

Section 5 requires information on the licensed well driller that will perform the work, including the Arizona Registrar of Contractors number. Only a well driller

licensed in the State of Arizona, or a single well licensee (a person licensed to drill or modify one exempt well on his or her own property), may drill, deepen or modify a well in Arizona. Drilling may not begin until the well driller or licensee has possession of a drilling card at the well site, issued by ADWR in the name of the well driller or licensee, and which authorizes the drilling of that specific well in that specific location. ADWR sends the drill card directly to the driller, not the well owner.

Section 6 – Water / Site Information

Section 6 contains checkboxes to indicate the principal and other uses of the water that will be withdrawn from the well. Check only one box under "Principal Use of Water." Under "Other Uses of Water" check as many boxes as are applicable. Note that "irrigation" means irrigating two or more acres outside an AMA.

Section 7 – Proposed Well Construction Design

Section 7 requires information on the proposed well construction design. In the upper right-hand corner, fill in the date when construction is to begin. In the **Borehole** table, fill in the diameter of the borehole and indicate the depth interval for each change in diameter. In the **Casing** table, fill in the outer diameter of the casing, check the appropriate boxes indicating the type of casing material and type of perforations, and fill in the grouting material to be used. The interval from the ground surface to 20 feet below the surface must have steel casing and a cement grout surface seal to prevent contaminants from entering the well. Fill in the depth interval for each change in information (for example, 0-20 feet below the surface and 20-200 feet below the surface). If the type of casing material or perforations is not listed, describe the type in the appropriate box. For non-perforated intervals, check the "Blank or None" box. Occasionally, boreholes are left uncased below the top 20 feet, and in that case, describe that condition in the "Other" box.

Signature Block

The NOI must be signed and dated by the well owner.

In addition, if the landowner is different from the well owner, then the landowner must also sign the signature block of the NOI form or attach a copy of an access agreement or permission letter indicating their approval of the proposed action.

Where to File Form

Completed forms may be mailed to ADWR at the following address:

Arizona Department of Water Resources
Water Management Support Section – NOI Unit
P.O. Box 458
Phoenix, Arizona 85001-0458

Completed forms may also be submitted to ADWR's main office in Phoenix at 500 N. 3rd Street, Second Floor or any of ADWR's outlying offices listed below:

Pinal Active Management Area
1729 N. Trell Road, Suite 105
Casa Grande, AZ 85222

Prescott Active Management Area
2200 E. Hillsdale Road
Prescott, AZ 86301-4941

Santa Cruz Active Management Area
857 W. Bell Road, Suite 3
Nogales, AZ 85621-4545

Tucson Active Management Area
400 W. Congress, Suite 518
Tucson, AZ 85701-1374

The completed form must be legible and of good quality when received by ADWR so that it can be scanned into ADWR's permanent records. Also, if a fee is required, ADWR will not accept the form without the proper fee.

Time Frame for Processing an NOI

ADWR has 15 days after receipt of an NOI to perform an administrative completeness review to determine whether the NOI should be accepted or rejected and whether a drilling authority should be granted or denied. If ADWR determines an NOI to be incomplete or incorrect, ADWR will notify the applicant in writing and specify what information is necessary to make the NOI complete and correct. Until the requested information is received, the administrative completeness review time frame is suspended. If the information is not supplied within 60 days, ADWR may reject the NOI and deny the drilling authority.

Any NOI that includes a request for a variance from ADWR's well construction standards must undergo a substantive review after the administrative completeness review. The substantive review time frame is 35 days, making the overall time frame for approval or denial 50 days. ADWR may make one comprehensive written request for additional information during the substantive

review time frame. If ADWR requests additional information, the substantive review time frame is suspended until ADWR receives all of the requested information. If the information is not submitted within 60 days, ADWR may reject the NOI and deny the drilling authority.

At the end of the review, ADWR will send written notice either granting or denying the drilling authority. If the drilling authority is granted, the drilling card will be mailed directly to the drilling firm. This authority is valid for one year from the date ADWR received the NOI. If denied, ADWR's notice will state the reasons for the denial and provide an explanation of the applicant's right to appeal.

Forms to File After the Project is Completed

Within 30 days of installation of pumping equipment in the well, the well owner must file a Pump Installation Report (Form DWR 55-56). The pump installer may help fill out this form. Within 30 days of completion of the well construction, the well driller must file a Well Driller Report and Well Log (Form DWR 55-55). These reports must include information on the well as it was actually constructed and equipped.